

KANAB CITY COUNCIL MEETING

AUGUST 26, 2014

KANE COUNTY DISTRICT COURTROOM

PRESENT: Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Kent Burggraaf, Brent Chamberlain and Joe B. Wright, City Recorder Joe Decker and City Treasurer RaeLene Johnson.

WORK MEETING: Work meeting started at 6:40 p.m. Council Member Carpenter expressed concern about the recent communication outages. He said the Council is responsible for the health, welfare and safety of the citizens, and no one could call emergency services during the outage. Mr. Michael East with South Central addressed the Council. He said the first outage on August 3rd was caused by a lightning strike near Kanab Furniture. According to Craig Baird an employee of South Central there has never been an outage like this in the last decade. They worked continuously day and night until it was fixed. The only customers impacted at that time were the wireless customers. Then on August 10th there was a water line break between Orderville and Mt Carmel. It was underground. The conduit was cut from the pressure of the water and then eventually the fiber was damaged. With the first outage emergency services had backups, but not with the water line break outage. Council Member Wright asked Mr. East if there was a way to keep local calls up and running if the fiber is cut somewhere else. Mr. East said possibly yes. Council Member Carpenter also was concerned with water conservation. He would like to see the capital facilities plan on water rights, wells, and conservation going hand in hand together. He wants to link the two together, so the City can go into the next 40 years or so prepared. He feels Kanab needs to take a serious look at the water billing prices. He said that Kanab's billing is backward from everyone else. The largest users should be paying the higher cost instead of the more you use, the less it costs. Kanab City also needs to acquire more water rights. He talked about the Lake Powell Pipe line.

Mayor Houston expressed appreciation to Council Member Brent Chamberlain and his Western Legends Committee for the work that was done for Western Legends. It was a great success. Mayor Houston updated the Council on the old middle school building. It is still being considered. Mayor Houston also said that the mileage paid for use of personal vehicles should be updated to what the Federal Government pays which is \$.55 a mile.

Prayer was offered by Cheryl Brown and the pledge of allegiance was led by Mayor Houston. Mayor Houston called the meeting to order and took roll call.

APPROVAL OF MINUTES: A motion was made by Council Member Wright and 2nd by Council Member Carpenter to approve the minutes of the August 12th meeting as amended. Motion passed unanimously.

APPROVAL OF AGENDA: A motion to approve the agenda was made by Council Member Chamberlain and 2nd by Council Member Wright. Motion passed unanimously.

APPROVAL OF VOUCHERS: A motion was made by Council Member Wright and 2nd by Council Member Brown to approve the vouchers for August 25th in the amount of \$67,686.62. Motion passed unanimously.

PUBLIC COMMENT PERIOD: Mr. Herb Alexander stated that there needed to be money set aside for pipes that will need to be replaced in 20 years or so. Council Member Chamberlain explained that the City does have money in a repair and replacement fund.

PUBLIC HEARING TO MODIFY THE HEIGHT RESTRICTION IN CHAPTER 15-3 OF THE KANAB CITY LAND USE ORDINANCE IN THE COMMERCIAL AND MANUFACTURING ZONES. ALSO CHANGING SET BACK REQUIREMENTS FOR COMMERCIAL BUILDINGS:

A motion was made by Council Member Wright and 2nd by Council Member Burggraaf to go in and out of public hearing at the call of the Mayor. Motion passed unanimously. Council Member Wright stated concerns about changing the ordinance in regard to the General Plan. Council Member Chamberlain was concerned with the look of a 45 foot building, but the downtown overlay and the design standards will help take care of that problem. Council Member Burggraaf said that the Planning Commission valued the change and what they wanted the downtown to look like. He was excited for a new economic structure, but wanted to keep the feel of downtown. He thinks the City can have both. Council Member Brown said she went to the Planning and Zoning meeting and the pros and cons were evenly split. Council Member Carpenter wanted to have the walk ability concept for the downtown area. He wants to maintain the feel of downtown, and he is looking forward to a new building on the vacant lot across from the Kane County Travel Council building. Mayor Houston said that the Planning Commission had recommended approval of the height modification and the set back changes. JoAnn Rando Moon addressed the Council. She said she was against the change to a four story building. She wants the downtown corridor preserved. Mr. Alexander stated he was against the four story change. He feels it does an injustice to all those who put so much time in meetings and studies into the present ordinance. Mr. Vince Vincent said he was in favor of the change. He thinks Kanab needs the increase in revenue and taxes. Mr. Matt Walters said he owns four motels in town. He is for the Hampton Inn going in, but is against changing the height requirement because once it is changed then there can be a number of four story buildings in the downtown area. There are small motels that may sell, and large buildings will be able to be built in the downtown area. Mr. Matt Brown said he was against the height change. He said he has looked at all of our surrounding towns. He said none have a four story motel in their downtown area. He feels the City shouldn't change the game plan anytime someone wants to do something different that doesn't agree with our ordinances. The downtown area is a special area and needs to remain different. Noel Poe said he was in favor of the height increase as long as the set back is part of the change. Krista Erickson, who owns Aiken's Lodge, said she was for the motel, but against the 45' height change. Mr. Bill Cole said he thinks he will be able to still enjoy the

K'Hill. Mr. Rick Csenge feels it is a mistake for the community to change the ordinances for one person. He opposes the height change. He wants the Historic Overlay to create and maintain the downtown area. He said this building would encroach on the Hospital Thrift Store. He suggested that the owners of the proposed hotel purchase the Thrift Store, so there would be more room and an additional height wouldn't be needed. He doesn't think it is good planning. Mr. Lou Pratt felt the change would be a benefit for the area. He has lived in that neighborhood his whole life. It would be good for the economy. Victor Sandonato addressed the Council. He said that in order for businesses in the downtown area to succeed, there needs to be walk ability. In order for that to happen there needs to be people on the streets. Mr. Stuart Willoughby stated he agrees with the height change. He said there are a lot of our small motels who close for the winter. Having another large motel would be beneficial during this time. Mr. Gary McBride stated he is for the change also. Mr. Charlie Soba said once you change this anyone will be able to come in and build a 45' tall building. Mr. Jeff Frey reminded the Council that they are changing what could be the future in downtown Kanab. It is going to change the flavor of downtown. Jeannie Hunt said the City should invite people to come to Kanab, and look at ways to help businesses be profitable. Michael East said he was in favor of anything that will bring family wage jobs to town. He agrees with the height change with the set back requirement. Mr. Sheldon Honey wondered how high the City was willing to go. At first 3 stories was too high, now we are requesting for 4 stories, is the next request going to be 5 stories. He wanted to know where do we stop. Julie Hunt said she was for anything that would increase the economy, so that our kids will be able to stay here and work here. We need to do everything to keep families from moving away. They need to be able to afford to live here. Mr. Jon Carlson said he wasn't sure either way until he listened to the different ideas presented. He is in favor of people spending money downtown. Susan Hand said she is opposed to height change, but she is in favor of the setbacks. She thinks it is more about atmosphere, and those who will follow. Sometimes things don't turn out the way we think. She doesn't approve changing the plan. Council Member Brown said since the Planning Commission had recommended approval; she didn't have any problems with it. Council Member Burggraaf explained that the General Plan needs to change from time to time. He said it isn't good to have empty lots. We need an economic increase. We can have the design standards and the overlay to make things compatible with the downtown area. Mayor Houston felt that the visual impact softens the impact with trees and colors and that is how the design standards take effect. Council Member Chamberlain said we are a tourist town. We need people walking up and down the streets. We need to encourage them to go downtown. St. George's downtown is dead because of all the building outside of the downtown area. Council Member Wright said that when he was on the Planning Commission, he was taught that there are two things that stop people from going downtown. One is a series of closed buildings and the other is gaps. He feels that the zero set back in the downtown area is to encourage walk ability. If you start setting buildings back, it stops walk ability. Council Member Wright is not in favor of the height change in C1. He is concerned with saving the downtown area. A motion was made by Council Member Burggraaf and 2nd by Council Member

Chamberlain to adopt Ordinance #8-1-14 O amending the Land Use Ordinance concerning commercial and manufacturing zones changing the 35 ft height to 45 ft height in the Commercial Zones and removing the Three Story or 40 feet to just 45 feet in the manufacturing zone. In Section 20-6 changing the set back from 20 to 0 in the C1 and C2 zones. Motion passed as follows: Carpenter, Brown, Burggraaf, Chamberlain voting yea and Council Member Wright voting nay.

CONSIDER ADOPTING RESOLUTION 8-1-14 R: A motion was made by Council Member Chamberlain and 2nd by Council Member Wright to adopt Resolution #8-1-14R adopting final tax rates for the 2014/2015 fiscal year. Motion passed as follows: Council Member Carpenter, Brown, Chamberlain and Wright voting yea and Council Member Burggraaf voting nay.

PUBLIC HEARING TO OPEN THE FISCAL YEAR 2014/2015 FISCAL YEAR BUDGET TO ADJUST REVENUES AND EXPENDITURES AND RE- ADOPT THE BUDGET:

Mayor Houston explained that when the budget was approved, fuel sales and fuel expenditures for the airport were not included because the City thought they would be having a FBO (Fixed Base Operator) at the airport. A change in the cost of public defender was not included in the budget at the time of adoption. A motion was made by Council Member Wright and 2nd by Council Member Burggraaf to go in and out of a Public Hearing to discuss the adjustments of revenues and expenditures at the discretion of the Mayor. Motion passed unanimously. No public comments were received. Mayor called to go out of Public Hearing. A motion was made by Council Member Wright and 2nd by Council Member Brown to adopt Resolution 8-2-14 R adopting budgets for the City of Kanab for the fiscal year ending June 30, 2015. Motion passed as follows: Council Members Carpenter, Brown, Chamberlain and Wright voting yea and Council Member Burggraaf voting nay.

APPROVAL OF INTERLOCAL AGREEMENT FOR LEGAL SERVICES WITH KANE COUNTY: Council Member Burggraaf disclosed that he is employed by the County Attorney's office and would not be impacted economically by this decision and therefore would not be abstaining from the vote. Conflict of interest was discussed. It was determined that this was taken care of in #6 of the agreement. This was tabled until the next meeting, so Attorney Greg Hardman would have time to review it.

APPROVAL OF LEASE AGREEMENT BETWEEN KANE COUNTY AND KANAB CITY FOR A PORTION OF FIRE STATION #2: A motion was made by Council Member Wright and 2nd by Council Member Carpenter to approve the lease agreement between Kane County Children's Justice Center and Kanab City to use a portion of Fire Station #2 located at 1359 South Powell Drive for a satellite location of the Iron County Children's Justice Center. Council Member Burggraaf was concerned with the 25 year lease. He suggested having a 15 year lease in case something came up that the City needed the building. Council Member Wright amended his motion to table this item until the next meeting and try to address this concern of

the time length of the lease. Motion 2nd by Council Member Carpenter. Motion passed unanimously.

A motion was made by Council Member Wright and 2nd by Council Member Carpenter to go into a closed session to discuss pending litigation and the exchange of real property. Motion passed unanimously. The closed session began at 8:50 p.m.

A motion to adjourn was made by Council Member Wright and 2nd by Council Member Chamberlain. Motion passed unanimously.

MAYOR ROBERT D. HOUSTON

RECORDER JOE DECKER